

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

It is noted that claims 33 and 34 have been withdrawn from further consideration as being drawn to a nonelected species by the Patent Examiner.

On Page 3 of the Office Action, the Patent Examiner has objected to claim 22 due to certain informalities.

On Pages 3 to 4 of the Office Action, the Patent Examiner has rejected the claims under 35 U.S.C. 112 as being indefinite.

In response to these formal objections to the claims, claim 22 was amended as follows. A period "." was added to the end of the claim. The objected to phrase "in particular with an internal combustion engine" has now been cancelled from claim 22.

On Page 4 of the Office Action, the Patent Examiner has rejected claim 31 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. In claim 31, it is allegedly not clear what the term "cardanically" is supposed to refer to when such term does not appear in the dictionary. Therefore, it is allegedly not clear if such is a misspelled word or a term known only to specific fields. However, such should be checked for correctness and if such is correct the Patent Examiner requests a definition of what it means so that the record is clear what applicant feels the term means.

In response to this objection, the attention of the Patent Examiner is respectfully directed to page 8 of the present Specification, where in lines 12 to 27, a definition is provided. Specifically, the term "cardanic" in the present case refers to the mobility created in the flexible longitudinal section, having two preferred axes of bending about which the pipe 1 can be curved or bent, whereby these two bending axes run perpendicular to one another and perpendicular to the longitudinal axis 7 of the pipe 1. In a figurative sense, this corresponds to a cardan joint having two joint axes perpendicular to one another and perpendicular to an axis of rotation.

For all of the above reasons, the Specification, and all the claims are firmly believed to be in complete compliance with all the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

On Page 4 of the Office Action, the Patent Examiner has rejected claims 22, 23, 25, 29-31, and 35 under 35 U.S.C. 102(b) as being clearly anticipated by *Freudenberg (DE 7403631)*.

On Page 5 of the Office Action, the Patent Examiner has rejected claims 22-29, 31, 32, and 35 under 35 U.S.C. 103(a) as being unpatentable over *Kahn* in view of *Scarazzo*.

On Page 6 of the Office Action, the Patent Examiner has rejected claim 30 under 35 U.S.C. 103(a) as being unpatentable over *Kahn* in view of *Scarazzo* as applied to claims 22-29, 31, 32, and 35 above, and further in view of *Yamamura*.

These rejections are respectfully traversed.

The present invention is directed to a pipe for carrying gas and/or fluid, having a supporting body (2) which consists of a relatively rigid first plastic and has one recess (6) or multiple recesses (6) which pass through the supporting body (2) across the longitudinal direction (7) and are arranged so that the supporting body (2) is flexible in a longitudinal section (8) that is provided with the recess (6) or the recesses (6) and withstands compressive forces acting on the inside and/or outside of the pipe (1) during use of said pipe, having a membrane (3) consisting of a relatively soft flexible second plastic arranged

on the supporting body (2) so that it seals the recess (6) or recesses (6) and transmits the compressive forces acting on the membrane (3) during use of the pipe (1) to the supporting body (2), the membrane (3) is integrally molded on the supporting body (2) or vice versa, wherein, the membrane (3) sheaths the supporting body (2) completely on the inside and/or outside at least in the area of the flexible longitudinal section, the pipe (1) has two end sections (13, 14) designed as connections, each section being formed by a section (15, 16) of the supporting body (2) that is closed on the circumference, with at least one flexible longitudinal section (8) of the supporting body (2) being arranged between them; wherein the recesses (6) are arranged in the flexible longitudinal section (8) of the supporting body (2) so that the supporting body (2) remaining in the flexible longitudinal section (8) has rings (9) arranged coaxially with the longitudinal direction (7) of the pipe (1) and side-by-side in the longitudinal direction, adjacent rings (9) are joined together by only two webs (10) that are diametrically opposed, with each ring (9) that is arranged between two neighboring rings (9), the only two webs (10) that are connected to the one neighboring ring (9) are arranged so they are offset by 90° with respect to the only two webs (10) connected to the other neighboring ring (9).

Independent claim 22 has been amended by adding the features of dependent claim 32 now cancelled. Additionally, the third feature of dependent claim 32 is that "the adjacent rings are joined together by two webs that are diametrically opposed" by stressing the fact that there are "only two webs" joining adjacent rings. This can be derived from the drawings, in particular from FIGS. 2 and 3, and also from the present Specification on page 9 in line 13. There, the two webs are named as a "pair of webs," and are definitely only two webs. The present Specification has been amended on Pages 8 and 9 to indicate this.

Freudenberg (DE 74 03 631) discloses a pipe having radially oriented slots (pos. 3 in the drawings of *Freudenberg*). *Freudenberg* fails to disclose rings arranged coaxially with the longitudinal direction of the pipe. *Freudenberg* also fails to disclose webs to join adjacent rings. This reference fails to teach the subject matter of claim 32 which has been added to claim 22.

Kahn (U.S. Patent No. 2,968,321) discloses a pipe with a supporting body made of a wire helix 12 (column 2, line 51). Therefore, the portions of the support body that are adjacent in the longitudinal direction are not rings, but are windings of the helix. Additionally, adjacent windings are not directly joined

together. There exist several, i.e. more than two, longitudinally extending reels or spools 16 (column 2, lines 60, 61) loosely arranged at the helix. The covering 22 (column 3, lines 8 to 17) establishes the connection between the helix and the reels/spools. Therefore, *Kahn* fails to disclose rings and fails to disclose webs within the support body joining the adjacent rings together. Additionally, *Kahn* fails to disclose "only two" webs for joining adjacent rings together.

Therefore, a combination of *Kahn* and *Freudenberg* cannot render obvious the subject matter of amended claim 22.

The deficiencies in the teachings of the primary references to *Kahn* and to *Freudenberg* are not overcome by the disclosure of the secondary references to *Scarazzo* (U.S. patent No. 5,678,610) and *Yamamura* (U.S. Patent No. 6,116,288).


For all of the above reasons, no prior art reference provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102, but is patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner.

Withdrawal of these grounds of rejection is respectfully requested.

A prompt notification of allowability is respectfully
requested.

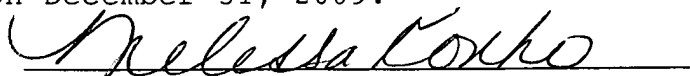
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